

**Meeting Notes – Multi-Agency Federal MOU Work Group
May 07, 2003**

Attendees

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Agenda Topics

Administrative Business and Follow-up

- Ambutas asked if there were any changes to the notes for the February 2003 meeting. None were offered. If Work Group members have changes, please submit to Manville.
- Nelson reported that BIA is in the process of printing the tribal/federal staff directory. The directory will include contacts in tribal conservation, natural resource, environmental, planning, and administrative departments. Two thousand copies will be printed for distribution in the region.
- Manville indicated that no new progress has been made on the proposed Reference Guide to Federal Water Protection Resources. Three agencies have provided information (NRCS, USGS, and U.S. EPA). Cywinski provided input from USDA- Rural Development. BIA stated that the hydrologist position has been filled and the new hire will be assigned to this project. IHS committed to providing input in the next week. Copies of the draft Reference Guide will be provided to HUD and DOE for their review and possible input. Agencies are asked to provide input by May 31, 2003.

- USGS provided a concept paper to the Work Group concerning the development of tribal public water supply systems. The questions posed included whether adequate hydro-geologic information was generated during the development of tribal drinking water wells, and should guidance be developed for tribes to assist in obtaining hydraulic parameters during the development of public drinking water wells.

The Work Group agreed to have a panel discussion at the next meeting to explore this issue. IHS, U.S. EPA, and USGS will identify panel members; and Tom Weaver (USGS) will be asked to moderate the discussion. In preparation for the meeting, a short series of issue statements/questions will be developed and provided to the panel.

Discussion – Compliance with Asbestos Hazard Emergency Response Act (AHERA)

Grace provided an overview of the requirements of AHERA (including two handouts). Local education agencies are required to inspect school buildings for asbestos containing building materials, develop management plans, and implement response actions. U.S. EPA has an enforcement role, however, funds devoted to AHERA enforcement have been diverted to enforcing the federal lead (Pb) paint requirements. The Agency no longer has cooperative agreements with the states for program implementation, and generally relies on tips and complaints for pursuing enforcement.

Nelson reported that BIA is responsible for AHERA compliance in BIA-owned schools (none in Michigan, Minnesota, or Wisconsin). There are 9 tribally-owned schools in the 3-state region that receive BIA grants. These schools are responsible for their own AHERA compliance, however, every July 15th the grant schools are required to submit environmental and safety compliance reports which include asbestos management plans. BIA has funding available for training and asbestos abatement.

Follow-up questions:

- (1) Identify U.S. EPA Region 5 Asbestos Coordinator and determine whether receiving copies of inspection reports from tribally-owned schools.
- (2) Determine complete universe of tribally-owned schools in Michigan, Minnesota, and Wisconsin (Grace will check with Don DeBlasio at U.S. EPA; Nelson check with BIA Education Department; Gatewood-Brown check with FEMA)

Provide information to Manville by June 16, 2003.

Discussion – Federal to Tribal Relationships and Homeland Defense/Security

Millin provided an overview of FEMA Programs and Environmental/Historic Preservation Compliance activities. Once there has been a disaster notification in a state, tribes should be consulted with to determine damage on reservation. Funding is available to tribes similar to other local communities. FEMA works through state emergency management agencies, who should be working with the tribes. However, FEMA has learned after the fact that tribes have not been contacted.

FEMA is trying to strengthen relationships with the tribes. Letters will be sent to all 35 tribes requesting meetings. Initial efforts are concentrated in Minnesota and Wisconsin. All FEMA tribal liaisons are headquartered in Region 8 (Denver).

To receive FEMA disaster funding, tribes either have to go through a state emergency management agency or have an established emergency management plan. There are grant funds available to develop tribal management plans.

Jim Duncan of FEMA outlined the structure of the newly created Department of Homeland Security. The Department is still in a time of transition. There are likely to be four components: Border and Transportation Security (INS, TSA, Customs); Emergency Preparedness and Response (FEMA); Information Analysis and Infrastructure Protection; Science and Technology. More information can be obtained at www.dhs.gov.

Gatewood-Brown provided copies of the “Emergency Management Institute 2002-2003 Catalog of Activities” and “Are You Ready? A Guide to Citizen Preparedness”.

Doig stated that tribes need to be more involved with state-level meetings.

Other members of the Work Group briefly commented on the roles of their particular agencies in homeland security: BIA – Department of Interior has assigned coordinators at each bureau; IHS – participating on the Minnesota Terrorism Task Force; DOE – nuclear power focus; USDA Rural Development – funding for community infrastructure; EPA Superfund – clean-up function.

The Work Group decided to form a small subgroup to consider what assistance related to homeland security can be provided to tribes from the federal agencies. Neumann, Erdrich, and Gatewood-Brown volunteered to participate on the subgroup. The subgroup will look at what existing information (tribal risk management plans, etc.) is available; what data is missing; and potential types of federal agency assistance. The subgroup was asked to provide a report at the next Work Group meeting.

Follow-up questions for FEMA:

- (1) What is the procedure for a tribe to request a disaster declaration for its reservation area?
- (2) How is the Department of Homeland Security interacting with the Nuclear Regulatory Commission?
- (3) How is FEMA dealing with the Indian Point Report?

Federal Agency Updates and Meeting/Training Announcements

HUD – Orientation to Environmental Assessment for tribal and rural communities will be provided later this summer. A \$32 billion notice of financial assistance has been released, which includes a chart that shows which grants tribes are eligible.

FEMA – May 13th table-top exercise at Mille Lacs with U.S. EPA to test the draft emergency management plan. June 27th will be in Washington, D.C. working with the Midwest Alliance of Sovereign Tribes. A tribal newsletter has been initiated.

BIA – Jim Ruhl has been hired to fill the vacant hydrologist position, starting on May 19, 2003. Ruhl will also serve as the BIA alternate representative to the MOU Work Group. Phase I Site Assessment training will be held May 20th at the Native American Fish and Wildlife Society meeting in Traverse City,

Michigan. Still no external e-mail capability at BIA. There is a reorganization at DOI Headquarters, and Nelson will now be working for the Secretary. Funding has been received for FY'03. By the end of June, BIA will be sending funding availability notices for FY'04.

U.S. EPA – Menominee and Nottawaseppi Huron Potawatomi will be receiving open dump clean-up grants from Headquarters. Regionally, 5 tribes are expected to receive solid waste funds in FY'03. Construction/demolition landfill operator training will be developed in conjunction with U.S. EPA Headquarters and the Tribal Association of Solid Waste and Emergency Response. In July 2003, a “Nuts and Bolts of Brownfields” course will be held with HUD in Chicago. Five tribes are likely to receive Section 128a funding (environmental assessment) – Forest County Potawatomi, Keweenaw Bay Indian Community, Little River Band, Leech Lake, and Mille Lacs. On June 4, 2003, the U.S. EPA Region 5 Regional Tribal Operations Committee will be meeting at Prairie Island Indian Community.

IHS – Diana Kuklinski is now Branch Chief. FY'03 funding has been received. Working on a health facilities and health services master plan to identify deficiencies, expect to be complete by FY'05. The FY'04 training opportunities from IHS will be provided at next meeting.

DOE – Tribal wind energy conferences have been scheduled/held in Michigan, Minnesota, and Wisconsin.

Next Meeting

The next meeting of the Work Group is tentatively scheduled for August 6, 2003. Location to be determined. Suggestions for agenda items should be forwarded to Jennifer Manville either via fax (231.922.4499) or e-mail at manville.jennifer@epa.gov.